

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FIGUEIREDO FERRAZ E ENGENHARIA DE
PROJETO LTDA.,

No. 08-CV-0492

Plaintiff,

JOINT STATUS REPORT

-against-

THE REPUBLIC OF PERU, MINISTERIO DE
VIVIENDA, CONSTRUCCION Y
SANEAMIENTO, and PROGRAMA AGUA
PARA TODOS (PAPT) (successor by integration
to PROGRAMA DE APOYO A LA REFORMA
DEL SECTOR SANEAMIENTO (PARSSA),
formerly known as PROYECTO ESPECIAL
PROGRAMA NACIONAL DE AGUA POTABLE
Y ALCANTARILLADO (PRONAP)),

Defendants.

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The undersigned counsel submit this joint status report in compliance with the Court's
August 20, 2010 order.

On September 18, 2009, Defendants Republic of Peru, Ministerio de Vivienda,
Construccion y Saneamiento and Programa Agua Para Todos ("Defendants") filed a notice of
appeal from this Court's September 8, 2009 order denying Defendants' motion to dismiss based
upon, *inter alia*, sovereign immunity pursuant to 28 U.S.C. §§ 1602 *et seq.* This appeal was
docketed under 09-3925-cv (the "09-3925 Appeal").

On January 14, 2009, Defendants filed an additional notice of appeal with respect to
certain pendent jurisdiction issues under docket number 10-0214-cv (the "10-0214 Appeal").
Subsequently, Defendants petitioned the Court of Appeals for interlocutory review of these
pendent jurisdiction issues. The Court of Appeals granted that petition in an order dated April
29, 2010, and consolidated that appeal with the 09-3925 Appeal. As a result of the granting of

the petition, the parties determined that the 10-0214 Appeal was no longer applicable and stipulated to withdraw it.

On August 11, 2010, the Court of Appeals issued a mandate reflecting withdrawal of the 10-0214 Appeal. The District Court's order of August 20, 2010 referenced the Court of Appeal's mandate and directed that Docket No. 34 be terminated as moot. The mandate applies only to the 10-0214 Appeal. The 09-3925 Appeal remains pending, and jurisdiction over the entire action remains vested in the Court of Appeals. The 09-3925 Appeal was fully briefed as of August 13, 2010 and the parties are currently awaiting the scheduling of oral argument.

Dated: August 25, 2010

Respectfully submitted,

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